

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

ELLIOTT INDUSTRIES LIMITED  
PARTNERSHIP, a New Mexico  
Limited Partnership,

Plaintiff,

vs.

Civ. No. 00-655 MV/WWD (ACE)

CONOCO INC., a Delaware  
corporation, AMOCO PRODUCTION  
COMPANY a Delaware corporation,  
and AMOCO ENERGY TRADING  
CORP., a Delaware corporation,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Class' Motion to Compel Discovery from Defendant Amoco [docket no. 469] filed August 4, 2002. Amoco's objections are (1) that the discovery was served out of time, (2) that the number of interrogatories served exceeded the maximum allowed under the Federal Rules of Civil Procedure, and (3) that the interrogatories were duplicative, burdensome, and oppressive. Notwithstanding these objections, Amoco agrees in its response to answer interrogatories numbered 27 (limited to the New Blanco Plant), 31-33, 37 (with deletion of the words "and for each, state the amount of the excess."); and Requests for Production numbered 177, 178, and 180 (per the agreement between Amoco and class counsel as to producing "a reasonable number of New Blanco Plant and Hobbs Franchionator photos and schematics to be used at trial"). I find that Amoco's objections are well taken and they will be

sustained. Although Amoco may make the responses and production indicated above, I will not order it to do so under the circumstances. To do so would fulfill the maxim “let no good deed go unpunished.” Plaintiff’s Motion to Compel addressing the Class’ 11th Request for Production of Documents, Fifth Set of Interrogatories, and Second Set of Requests for Admissions, should be denied.

**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE